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10/691,129

10/22/2003

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EXAMINER

WANG, KENT F

ART UNIT

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2622

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/691,129

Applicant(s)

BROOKINS, NICHOLAS SHAYNE

Examiner

Kent Wang

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Information Disclosure Statement

1. The reference listed on the disclosure statement (IDS) submitted on 10/22/2003 and 10/25/2004 have being considered by the examiner (see attached PTO 1449).

Claim Rejections - 35 USC § 102


2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-8 and 10-18 are rejected under 35 U.S.C. § 102(b) as being anticipated by Miyagi, US 2002/0047916.

Regarding claim 1, Miyagi discloses an video transmission system, comprising:

- a video source (a digital image recording apparatus 2; [0022]); ^{2 [0025]}
 - a video server (an image distribution server 7) adapted to receive video data from the video source, the video server operable to buffer the video data and transmit the video data across a network (network 5) ([0026]); and
 - a video retransmitter residing on a first computing device (an image distribution server 7) and adapted to receive the video data via the network from the video server, said video retransmitter operable to buffer the video data and re-transmit
- 

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the video data to a second computing device (a image processing apparatus 6 or a portable information terminal 10) ([0029]), .

Regarding claim 14, Miyagi discloses a method for transmitting video data across a network environment (network 5), comprising:

- receiving video data at a video server (7) from a digital camera (2) and buffering the video data in a data store residing on the video server ([0026], [0027]);
- transmitting the video data from the video server across a network to a first client computing device (a image processing apparatus 6) ([0028]);
- buffering the video data in a data store residing on the first client computing device (image distribution server 7 temporarily stores image data, [0027]); and
- retransmitting the video data from the first client computing device to a second client computing device ([0029]).

Regarding claim 2, Miyagi discloses the video source is further defined as a digital camera (a digital image recording apparatus 2 works as an image pickup apparatus) ([0022]).

Regarding claim 3, Miyagi discloses the video server is integrated with the video source (connecting the digital image recording apparatus 2 to the network) ([0028] and Fig 1).

Regarding claim 4, Miyagi discloses the second computing device is operable to display the video data (the portable telephone 9 works as an image display apparatus for display an image) ([0022]).

Regarding claim 5, Miyagi discloses the second computing device (6 or 10) is adapted to receive the video data from the video server and the video retransmitter (image distribution server 7), and operable to select a source for the video data based on a metric (additional data such as a mail address) associated with the transmission path (wireless transmission path) of the video data from the source ([0042]).

Regarding claim 6, Miyagi discloses the second computing device is configurable to receive the video data from the selected source.

Regarding claim 7, Miyagi discloses the second computing device is adapted to receive the video data via the network (network 5) from the video retransmitter (image distribution server 7 generates a URL and a mail message in a specific mode and sends to the portable telephone 9) ([0042]).

Regarding claim 8, Miyagi discloses the second computing device is adapted to receive the video data via another network (wireless transmission path) from the video retransmitter ([0042]).

Regarding claim 10, Miyagi discloses the video server is operable to maintain a directory (additional data such as mail address, an image file name, a message, and the like), where the directory includes a list of client computing devices to whom video data is currently being sent and which are configured to retransmit the video data (the image distribution server 7 generates a URL and a mail message in a specified mode) ([0042]).

Regarding claim 11, Miyagi discloses each entry in the directory identifies a source (mail address) whose video data (GIF file with additional data) is capable of being retransmitted from a source other than the video server (portable telephone 9), a network

address for the identified source (URL); and an indicator as to whether the video data is being received on a dedicated basis (the image distribution server 7 returns a processing result to the personal computer 60) ([0042], [0045], and [0046]).

Regarding claim 12, Miyagi discloses the video server is adapted to receive requests for the video data and operable to log an entry (customer ID and password) into the directory when the requesting computing device is configured to retransmit the video data ([0044] and [0045]).

Regarding claim 13, Miyagi discloses the directory is accessible to the second computing device (personal computer 60), the second computing device being operable to evaluate each alternative source for the video data being requested (the image distribution server 7 returns a processing result to the personal computer 60); and selecting a source for the video data based on a metric (additional data such as a mail address) associated with the transmission path (wireless transmission path) of the video data from the source.

Regarding claim 15, Miyagi discloses the step of transmitting the video server from the video server further comprises:

- receiving a request for the video data from the first client computing device (the image distribution server 7 sends an email message to notify a recipient that an image is available for distribution) ([0026]);
- determining whether the first client computing device is configured to retransmit the video data (the image distribution server 7 checks a certification or

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authentication server 21 based on the ID and password transmitted from the personal computer 60 ([0044]); and

- logging an entry (a customer ID and a password) in a retransmitter directory when the first client computing device is configured to retransmit the video data ([0044], [0045], and [0046]).

Regarding claim 16, Miyagi discloses the step of buffering the video data further comprises determining whether the video data may be retrieved (the image distribution server 7 returns a successful check result on customer ID and password) from an alternative data source ([0045]).

Regarding claim 17, Miyagi discloses the step of determining further comprises:

- accessing a retransmitter directory residing on the video server (log in with customer ID and password), where the directory is a list of client computing devices to whom video data is currently being sent and which are configured to retransmit the video data ([0044], [0045], and [0046]);
- evaluating a metric associated with each alternative source for the video data being buffered; and selecting a source for the video data based on said metrics ([0046]).

Regarding claim 18, this claim is recited same limitations as claim 5. Thus it is analyzed and rejected as previously discussed with respect to claim 5 above.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. § 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 9 and 20-21 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Miyagi in view of Tullis, US 2002/0171737.

Regarding claim 9, Miyagi discloses a video transmission system comprising a video source, a video server and a video retransmitter.

Miyagi does not explicitly disclose the video server receives the video data at a first resolution and the re-transmitter is operable to retransmit the video data at a second resolution different from the first resolution.

Tullis discloses the video server receives the video data at a first resolution and the re-transmitter is operable to retransmit the video data at a second resolution different from the first resolution (the image processor 18 of the server 10 may operate to create a higher resolution for example adjusting color balance, gamma and luminance before retransmitting) (see [0030], [0031]).

Miyagi and Tullis are analogous art because they are from the same field of image data communication. At the time of the invention, it would have been obvious to a person of the ordinary skill in the art to use Tullis' image processor in Miyagi's image data communication

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system. The suggestion/motivation would have been to enable the server operates to improve or custom tailor digital image data to create a higher resolution, better quality, or stylized image of a subject ([0030]).

Regarding claims 20 and 21, these claims are recited same limitations as claim 9. Thus they are analyzed and rejected as previously discussed with respect to claim 9 above.

6. Claim 19 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Miyagi in view of Urisaka, US 6,529,234.

Regarding claim 19, Miyagi discloses a method for transmitting video data across a network environment comprising receiving, transmitting, buffering, and retransmitting the video data from the video server across a network.

Miyagi does not does not explicitly disclose the step of buffering the video data further comprises periodically reassessing whether the video data may be retrieved from an alternative data source.

Urisaka discloses the step of buffering the video data further comprises periodically reassessing (updates periodically) whether the video data () may be retrieved from an alternative data source (Urisaka, col. 5, lines 21-30).

Urisaka and Miyagi are analogous art because they are from the same field of image data communication. At the time of the invention, it would have been obvious to a person of the ordinary skill in the art to use Urisaka's camera control client in Miyagi's image data communication system. The suggestion/motivation would have been to enable the server to display information such as the setting positions, direction, and the like of all the cameras

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that can be used via the network and update the display states of the cameras in real time on the basis of server and stores necessary information in the received information in a secondary storage unit (Urisaka, col. 5, lines 26-30).

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- O'Brien et al. (US 2004/0034870) discloses a system for streaming data includes a channel for communicating requests between a client and server and another channel for transmitting streaming video.
- Bregman et al. (US 5,530,472) discloses a system for controlling a video-conference network by the end user at a video conference site which is comprised of a public telecommunications network connected to video-conference controllers at the video conference sites.

Inquiries


8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kent Wang whose telephone number is 571-270-1703. The examiner can normally be reached on 8:00 A.M. - 5:30 PM (every other Friday off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ngoc Yen Vu can be reached on 571-272-7320. The fax phone number for the organization where this application or proceeding is assigned is 571-270-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Kent Wang
14 June 2007



LIN YE
PRIMARY PATENT EXAMINER